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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Rodrigo VELASQUEZ-Diaz** Defendant(s)	Magistrate Case No. '08 MJ 2719 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **September 2, 2008,** within the Southern District of California, defendant **Rodrigo VELASQUEZ-Diaz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Felix CORTES-Martinez, Mauro VASQUEZ-Garcia, Julio VASQUEZ-Jeronimo,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **SEPTEMBER 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Rodrigo VELASQUEZ-Diaz

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Felix CORTES-Martinez, Mauro VASQUEZ-Garcia, and Julio VASQUEZ-Jeronimo** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 2, 2008, Border Patrol Agents E. Pepe, N. Nettles, Z. Seitles, and S. Kelley were performing assigned duties in and around the community of Boulevard, California. Boulevard is a rural community located approximately twenty miles east of the Tecate, California Port of Entry and approximately four miles north of the United States/Mexico International Border. At approximately 6:00 P.M.., Agents Pepe, Nettles, Seitles, and Kelley responded to a citizen's report of sixteen individuals walking northbound through the brush near the intersection of Starship Road and McKay Cut. As Agent Pepe drove towards the location of the citizen's report, Agent Kelley observed several individuals partially concealed in some bushes off to the side of Starship Road. Agent Pepe stopped the vehicle, and along with Agents Nettles, Seitles, and Kelley, approached the individuals. A total of 16 individuals, including one later identified as defendant **Rodrigo VELASQUEZ-Diaz**, were discovered hiding in the brush. Agent Pepe searched the surrounding area thoroughly, and was unable to locate any additional individuals, or any sets of footprints leading away from where the group was discovered. Agent Nettles questioned all 16 individuals about their citizenship. All 16 individuals including **VELASQUEZ** responded that that they were citizens and nationals of Mexico, and that they did not have proper immigration documents to enter into or remain in the United States legally. All 16 individuals were arrested and transported to the Boulevard Border Patrol Station for processing.

DEFENDANT STATEMENT: Rodrigo VELASQUEZ-Diaz

At approximately 12:04 a.m. on September 3rd, the defendant VALASQUEZ was advised of his Miranda Rights and he stated he understood his rights and was willing to answer questions with out an attorney present.

VELASQUEZ stated that he was born in Chiapas, Mexico, February 5, 1977 and is present in the United States illegally, without being in possession of any immigration documentation that would allow him to enter or remain here legally. VELASQUEZ stated that this was his first time coming to the United States, and that he was headed to Los Angeles, California. VELASQUEZ freely admitted to being a foot guide in training for this group. VELASQUEZ did not know how much he was going to be paid for alien smuggling, due to the fact that he was in training and was assisting another foot guide who absconded.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Felix CORTES-Martinez**, **Mauro VASQUEZ-Garcia**, and **Julio VASQUEZ-Jeronimo,** admit in summary to the following; that they are citizens and nationals of Mexico illegally present in the United States. They stated arrangements were made in order for them to be smuggled into the United States for $1800.00 US to be smuggled to Los Angeles, California. Material witnesses CORTES-Martinez and VASQUEZ-Jeronimo positively identified photo #4 as one of the foot guides of the group. Photo #4 depicts the defendant **Rodrigo VELASQUEZ-Diaz.**